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DATE MAILED: 09/08/2005

PPLICATION NO	. FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/015,382 12/12/2001		2/12/2001	Michael Wayne Brown	AUS920010827US1	AUS920010827US1 2851	
43307	7590	09/08/2005		EXAMINER		
IBM COR	P (AP) PATTILLO			AL AUBAID	I, RASHA S	
P. O. BOX			ART UNIT	PAPER NUMBER		
AUSTIN,	TX 78716		2642			

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Electratives of time may be available under the provisions of 37 CFR 1.18(a), in no event, hower, may a righty be brindy filled If NO period for righty is specified above, the maximum statutory special will expire SIX (6) MONTHS from the mailing date of this communication. Fallute to recytivation the set or excluded period for expire yield. Plant of the communication are set of the communication, even if timely filled, may reduce any senter glastic time adjustment. Set of CFR 1.18(4): 1) Responsive to communication(s) filled on 05 June 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.41 [s/are pending in the application. 4a) Of the above claim(s) 28-39 [s/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a), Repiscement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) hower of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application		Application No.	Applicant(s)				
Rasha S. AL-Aubaldi Z642		10/015,382	BROWN ET AL.				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherwood from may be available under the provisions of 3 CPR 1.1360, in no event, however, as noty be timely little in the provision of 3 CPR 1.1360, in no event flowers are not by the state of the provision of Claims 4) Scalarin(s) 1.41 is/are pending in the application. 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration. 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration. 4b) Claim(s) 1.41 is/are pending in the application. 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration. 5c) Claim(s) 1.57 is/are allowed. 5c) Claim(s) 1.57 is/are objected to by the Examiner. 7c) Claim(s) 1.57 is/are objected to by the Examiner. 7d) The drawing(s) flied on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9c) The drawing(s) flied on is/are: a) accepted or b) objected to by the Examiner. 7d) The drawing(s) flied on is/are: a) accepted or b) objected to by the Examiner. 7d) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Scalarity Scalari	Office Action Summary	Examiner	Art Unit				
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Response to Amendment

1. Applicant's amendment filed on 6/05/2005 has been entered. No claims have been canceled. No claims have been added. Claims 1-27 and 40-41 are still pending in this application, with claims 1, 11, 21, 40 and 41 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

3. Claims 1-27 and 40-41 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brown et al (US PAT # 6, 826,276).

The disclosure is substantially the same as Brown reference (see col. 5, lines 32-42).

4. Claims 1-27 and 40-41 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brown et al (US # 20030103619).

The disclosure is substantially the same as Brown et al, reference (see abstract of the invention and P.1).

Remarks

5. Prior art search reveled some closely related applications/patents belong to the same assignee. Applicant is required to inform PTO of all applications that are directly related to this application. Applicant is advised that double patenting rejections may become appropriate.

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Response to Arguments

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6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Rasha S. Al-Aubaidi

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09/01/2005